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PTO/SB/21 (08-03)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/648,954	
	Filing Date	August 27, 2003	
	First Named Inventor	Estuardo Aguilar-Cordova	
	Art Unit	N/A	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	8	Attorney Docket Number	HO-P00820US1

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	FULBRIGHT & JAWORSKI L.L.P. Melissa L. Sistrunk
Signature	
Date	September 17, 2003

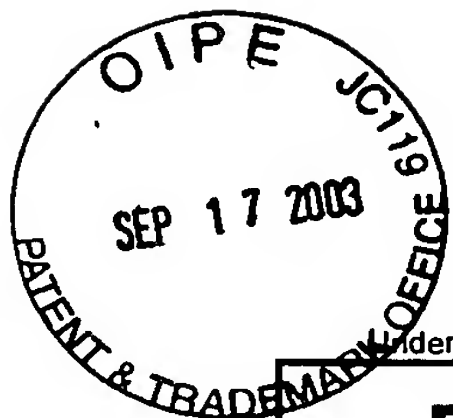
Transmittal

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(Monica L. Thomas)



PTO/SB/17 (11-01)

Approved for use through 10/31/2002. OMB 0651-0032
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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00

Complete if Known

Application Number	10/648,954
Filing Date	August 27, 2003
First Named Inventor	Estuardo Aguilar-Cordova
Examiner Name	N/A
Group Art Unit	Not Yet Assigned
Attorney Docket No.	HO-P00820US1

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☐ Deposit AccountDeposit
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Fulbright & Jaworski L.L.P.

The Commissioner is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	180.00
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180.00

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims			
Independent Claims			
Multiple Dependent			

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY

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Registration No.
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45,579

Complete (if applicable)

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Date

September 17, 2003

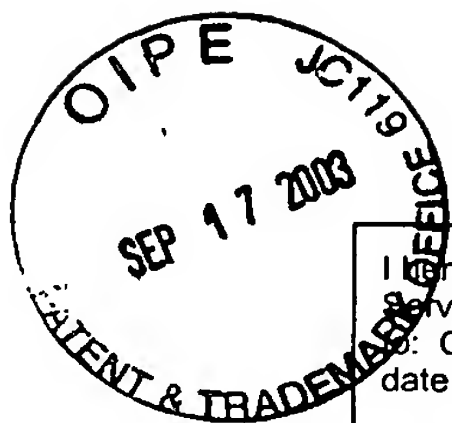
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Dated: September 17, 2003 Signature

(Monica L. Thomas)

Docket No.: HO-P00820US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Estuardo Aguilar-Cordova, et al.

Application No.: 10/648,954

Filed: August 27, 2003

Art Unit: N/A

For: D-5670 A DOUBLE TRANSDOMINANT
FUSION GENE AND PROTEIN

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

A copy of each reference on PTO/SB/08 is attached.

The attached form PTO-1449 was submitted but not entered in the prior application number 08/399,264, filed March 6, 1995 and relied upon in this application for an earlier filing date under 35 U.S.C. 120.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR

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1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Our check in the amount of \$180.00 covering the fee set forth in CFR 1.17(p) is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-2375, under Order No. HO-P00820US1. A duplicate copy of this paper is enclosed.

Dated: September 17, 2003

Respectfully submitted,

By 

Melissa L. Sistrunk

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Application No. (if known): 10/648,954

Attorney Docket No.: HO-P00820US1

Certificate of Express Mailing Under 37 CFR 1.10

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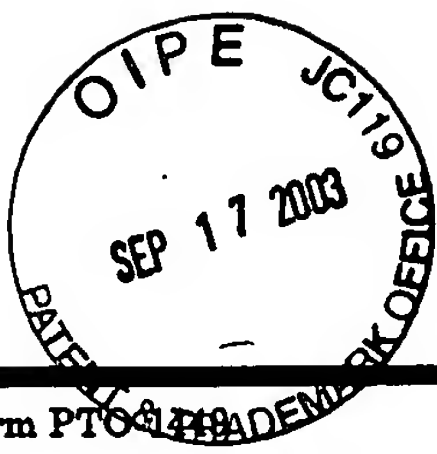
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IDS (Citation) by Applicant

Sheet 1 of 3

Form PTO-148

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

Docket No. (Optional)
D-5670Application Number
08/399,264Applicant:
Aguilar-Cordova et al.Filing Date:
March 6, 1995Group Art Unit
1804**U.S. PATENT DOCUMENTS**

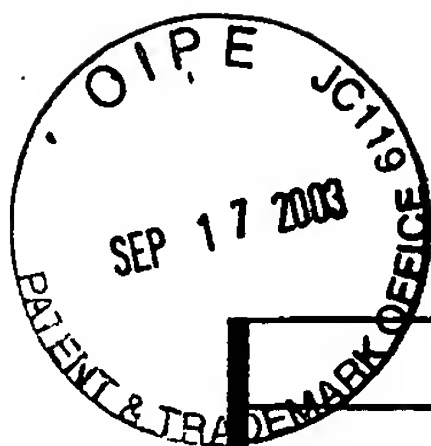
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENT(S)

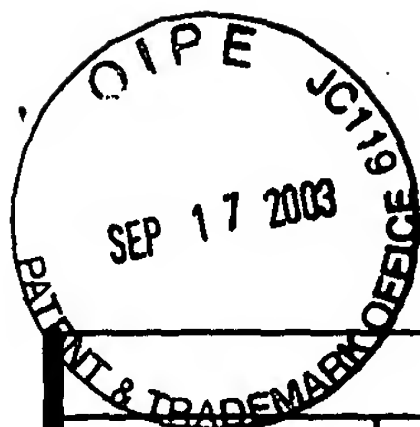
DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
					YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	O'Malley, B. W. et al., Adenovirus-mediated Gene Therapy for Human Head and Neck Squamous Cell Cancer in a Nude Mouse Model, <i>Cancer Research</i> 55:1080-1085 (3/1/95).
	Chen, S.-H. et al., Combination Gene Therapy for Liver Metastasis of Colon Carcinoma <i>In Vivo</i> , <i>Proc. Natl. Acad. Sci. USA</i> 92:2577-2581 (3/95).
	Chen, S.-H. et al., Gene Therapy for Brain Tumors: Regression of Experimental Gliomas by Adenovirus-mediated Gene Transfer <i>In Vivo</i> , <i>Proc. Natl. Acad. Sci. USA</i> 91:3054-3057 (4/94).
	Trinh, Q. T. et al., Enzyme/Prodrug Gene Therapy: Comparison of Cytosine Deaminase/5-Fluorocytosine Versus Thymidine Kinase/Ganciclovir Enzyme/Prodrug Systems in a Human Colorectal Carcinoma Cell Line, <i>Cancer Research</i> 55:4808-4812 (11/1/95).
	Sugaya, S. et al., Inhibition of Tumor Growth by Direct Intratumoral Gene Transfer of Herpes Simplex Virus Thymidine Kinase Gene with DNA-Liposome Complexes, <i>Human Gene Therapy</i> 7:223-230 (1/20/96).
	Smythe, W. R. et al., Use of Recombinant Adenovirus to Transfer the Herpes Simplex Virus Thymidine Kinase Gene (HSVtk) Gene to Thoracic Neoplasms: An Effective <i>In Vitro</i> Drug Sensitization System, <i>Cancer Research</i> 54:2055-2059 (4/15/94).
	Karlsson, S. et al., Stable Gene Transfer and Tissue-Specific Expression of a Human Globin Gene Using Adenoviral Vectors, <i>The EMBO Journal</i> 5:2377-2385 (1986).
	Rosenfeld, M.A. et al., <i>In Vivo</i> Transfer of the Human Cystic Fibrosis Transmembrane Conductance Regulator Gene to the Airway Epithelium, <i>Cell</i> 68:143-155 (1/10/92).
	Lemarchand, P. et al., Adenovirus-mediated Transfer of a Recombinant Human Alpha1-antitrypsin cDNA to Human Endothelial Cells, <i>Proc. Natl. Acad. Sci. USA</i> 89:6482-6486 (7/92).
	Boviatsis, E.J. et al., Gene Transfer into Experimental Brain Tumors Mediated by Adenovirus, Herpes Simplex Virus, and Retrovirus Vectors, <i>Human Gene Therapy</i> 5:183-191 (1994).
	Jaffe, H.A. et al., Adenovirus-mediated <i>In Vivo</i> Gene Transfer and Expression in Normal Rat Liver, <i>Nature Genetics</i> 1:372-378 (8/92).
	Stratford-Perricaudet, L.D. et al., Evaluation of the Transfer and Expression in Mice of an Enzyme-Encoding Gene Using a Human Adenovirus Vector, <i>Human Gene Therapy</i> 1:241-256 (1990).
	Stratford-Perricaudet, L.D. et al., Widespread Long-term Gene Transfer to Mouse Skeletal Muscles and Heart, <i>J. Clinical Invest.</i> 90:626-630 (8/92).
	Quantin, B. et al., Adenovirus as an Expression Vector in Muscle Cells <i>In Vivo</i> , <i>Proc. Natl. Acad. Sci. USA</i> 89:2581-2584 (4/92).


OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Zhang, J.-F. et al., Treatment of a Human Breast Cancer Xenograft with an Adenovirus Vector Containing an Interferon Gene Results in Rapid Regression due to Viral Oncolysis and Gene Therapy, <i>Proc. Natl. Acad. Sci. USA</i> 93:4513-4518 (4/96).
	Hallahan, D.E. et al., Spatial and Temporal Control of Gene Therapy Using Ionizing Radiation, <i>Nature Medicine</i> 1:786-791 (8/95).
	Smythe, W.R. et al., Successful Adenovirus-Mediated Gene Transfer in an <i>In Vivo</i> Model of Human Malignant Mesothelioma, <i>Annals of Thoracic Surgery</i> 57:1395-1401 (1994).
	Perez-Cruet, M.J. et al., Adenovirus-Mediated Gene Therapy of Experimental Gliomas, <i>Journal of Neuroscience Research</i> 39:506-511 (1994).
	Bonnekoh, B. et al., Inhibition of Melanoma Growth by Adenoviral-Mediated HSV Thymidine Kinase Gene Transfer <i>In Vivo</i> , <i>Journal of Investigative Dermatology</i> 104:313-317 (1995).
	Brody, S.L. et al., Direct <i>In Vivo</i> Gene Transfer and Expression in Malignant Cells Using Adenovirus Vectors, <i>Human Gene Therapy</i> 5:437-447 (1994).
	Gomez-Foix, A.M., Adenovirus-mediated Transfer of the Muscle Glycogen Phosphorylase Gene into Hepatocytes Confers Altered Regulation of Glycogen Metabolism, <i>Journal of Biological Chemistry</i> 26:25129-25134 (12/15/92).
	Mastrangeli, A. et al., Diversity of Airway Epithelial Cell Targets for <i>In Vivo</i> Recombinant Adenovirus-mediated Gene Transfer, <i>Journal of Clinical Invest.</i> 91:225-234 (1/93).
	Le Gal La Salle, G. et al., An Adenovirus Vector for Gene Transfer into Neurons and Glia in the Brain, <i>Science</i> 259:988-990 (2/12/93).
	Davidson, B.L. et al., A Model System for <i>In Vivo</i> Gene transfer Into the Central Nervous System Using an Adenoviral Vector, <i>Nature Genetics</i> 3:219-223 (3/93).
	Bajocchi, G. et al., Direct <i>In Vivo</i> Gene Transfer to Ependymal Cells in the Central Nervous System Using Recombinant Adenovirus Vectors, <i>Nature Genetics</i> 3:229-234 (3/93).
	Haddada, H. et al., Efficient Adenovirus-Mediated Gene Transfer Into Human Blood Monocyte-Derived Macrophages, <i>Biochem. Biophys. Res. Comm.</i> 195:1174-1183 (9/30/93).
	Leimig, T. et al., High-Efficiency Transduction of Freshly Isolated Human Tumor Cells Using Adenoviral Interleukin-2 Vectors, <i>Human Gene Therapy</i> 7:1233-1239 (6/20/96).
	Oellig, C. and Seliger, B., Gene Transfer into Brain Tumor Cell Lines: Reporter Gene Expression Using Various Cellular and Viral Promoters, <i>Journal of Neuroscience Research</i> 26:390-396 (1990).
	Cheng, L. et al., <i>In Vivo</i> Promoter Activity and Transgene Expression in Mammalian Somatic Tissues Evaluated by Using Particle Bombardment, <i>Proc. Natl. Acad. Sci. USA</i> 90:4455-4459 (5/93).
	Martin-Gallardo, A. et al., A Comparison of Bovine Growth-Hormone Gene Expression in Mouse L Cells Directed by the Moloney Murine-Leukemia Virus Long Terminal Repeat, Simian Virus-40 Early Promoter or Cytomegalovirus Immediate Early Promoter, <i>Gene</i> 70:51-56 (1988).
	Pasleau, F. et al., Growth Hormone Gene Expression in Eukaryotic Cells Directed by the Rous Sarcoma Virus Long Terminal Repeat or Cytomegalovirus Immediate-Early Promoter, <i>Gene</i> 38:227-232 (1985).
	Rettinger, S.D. et al., Liver-directed Gene Therapy: Quantitative Evaluation of Promoter Elements by Using <i>In Vivo</i> Retroviral Transduction, <i>Proc. Natl. Acad. Sci. USA</i> 91:1460-1464 (2/94).
	Overbeek, P.A. et al., Tissue-specific Expression in Transgenic Mice of a Fused Gene Containing RSV Terminal Sequences, <i>Science</i> 231:1574-1576 (3/28/86).
	Gorman, C.M. et al., The Rous Sarcoma Virus Long Terminal Repeat is a Strong Promoter When Introduced into a Variety of Eukaryotic Cells by DNA-mediated Transfection, <i>Proc. Natl. Acad. Sci. USA</i> 79:6777-6781 (11/82).
	Ramesh, N. et al., High-Level Expression from a Cytomegalovirus Promoter in Macrophage Cells, <i>Human Gene Therapy</i> 6:1323-1327 (10/95).
	Xu et al., Adenovirus-Mediated Interferon-Gamma Transfer Inhibits Growth of Transplanted HTLV-1 Tax Tumors in Mice, <i>Human Gene Therapy</i> 7:471-477 (3/1/96).
	Abe, J. et al., <i>In Vivo</i> Antitumor Effect of Cytotoxic T Lymphocytes Engineered to Produce Interferon-Gamma by Adenovirus-Mediated Genetic Transduction, <i>Biochem. Biophys. Res. Comm.</i> 218:164-170 (1996).
	Bramson, J. et al., Construction of a Double Recombinant Adenovirus Vector Expressing a Heterodimeric Cytokine: <i>In Vitro</i> and <i>In Vivo</i> Production of Biologically Active Interleukin-12, <i>Human Gene Therapy</i> 7:333-342 (2/10/96).
	Liu, J. et al., Regulated Expression of a Dominant Negative Form of Rev Improves Resistance to HIV Replication in T Cells, <i>Gene Therapy</i> 1:32-37 (1994).
	Szilvay, A.M. et al., Nuclear Export of the Human Immunodeficiency Virus Type 1 Nucleocytoplasmic Shuttle Protein Rev is Mediated by Its Activation Domain and is Blocked by Transdominant Negative Mutants, <i>Journal of Virology</i> 69:3315-3323 (6/95).

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, Etc.)

	Vandendriessche, T. et al., Inhibition of Clinical Human Immunodeficiency Virus (HIV) Type 1 Isolates in Primary CD4 ⁺ T Lymphocytes by Retroviral Vectors Expressing Anti-HIV Genes, <i>Journal of Virology</i> 69:4045-4052 (7/95).
	Bogerd, H. and Greene, W.C., Dominant Negative Mutants of Human T-Cell Leukemia Virus Type I Rex and Human Immunodeficiency Virus Type Rev Fail to Multimerize <i>In Vivo</i> , <i>Journal of Virology</i> 67:2496-2502 (5/93).
	Morgan, R.A. and Walker, R., Gene Therapy for AIDS Using Retroviral Mediated Gene Transfer to Deliver HIV-1 Antisense TAR and Transdominant Rev Protein Genes to Syngeneic Lymphocytes in HIV-1 Infected Identical Twins, <i>Human Gene Therapy</i> 7:1281-1306 (6/20/96).
	Stauber, R. et al., Analysis of Trafficking of Rev and Transdominant Rev Proteins in Living Cells Using Green Fluorescent Protein Fusions: Transdominant Rev Blocks the Export of Rev from the Nucleus to the Cytoplasm, <i>Virology</i> 213:439-449 (1995).
	Daly, T.J. et al., Perturbation of the Carboxy Terminus of HIV-1 Rev Affects Multimerization on the Rev Responsive Element, <i>Biochemistry</i> 32: 8945-8954 (1993).
	Ulich, C. et al., Inhibition of Human Immunodeficiency Virus Type 1 Replication is Enhanced by a Combination of Transdominant Tat and Rev Proteins, <i>Journal of Virology</i> 70:4871-4876 (7/96).
	Caputo, A. et al., Studies on the Effect of the Combined Expression of Anti-tat and Anti-rev Genes on HIV-1 Replication, <i>Gene Therapy</i> 4:288-295 (1997).
	Woffendin, C. et al., Nonviral and Viral Delivery of a Human Immunodeficiency Virus Protective Gene into Primary Human T Cells, <i>Proc. Natl. Acad. Sci. USA</i> , 91:11581-11585 (11/94).
	Nabel, G.J. et al., A Molecular genetic Intervention for AIDS-Effects of a Transdominant Negative Form of Rev, <i>Human Gene Therapy</i> 5:79-92 (1994).

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.